

Part #14
5/24/02

PATENT

Attorney Docket No.: 085765-000000US
F5-99984361/AR0011US

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Assistant Commissioner for Patents
Washington, D.C. 20231

On April 30, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Kathryn A. DeLeoncini

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

 MAKOTO YAMAMORI

Application No.: 09/325,819

Filed: June 4, 1999

For: **HIGH AMYLOSE WHEAT
STARCH AND WHEAT CONTAINING
THE SAME**

Examiner: Grunberg, A.

Art Unit: 1661

DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Peter K. Seperack do hereby declare and state that:

1. Samples of 2500 seeds from line H12-114 of SGP-1 null wheat disclosed in the present Application were deposited on March 27, 2002 with the International Depository Authority (IPOD) National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan, where the deposits were granted the accession number FERM BP-7982. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the IPOD receipt of the deposit thereof are attached as Exhibit A.

2. All restrictions on the availability to the public of the deposited seed identified in Paragraph 1 will be irrevocably removed upon the granting of a patent for the above-identified Application.

3. The seed identified in Paragraph 1 above will be maintained at the IPOD and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample received by the IPOD, for a period of at least thirty (30) years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

April 29, 2002
Date

Peter Seperack
Peter Seperack
Reg. No. 47,932

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PKS:kad
SF 1341232 v1

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則 7. 1 に従い
発行される。

原寄託についての受託証

氏名 (名称)

独立行政法人 農業生物資源研究所
理事長 桂 直樹

寄託者

あ て 名 下

殿

茨城県つくば市観音台 2-1-2

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

1. 微生物の表示	
(寄託者が付した識別のための表示) 高アミロース小麦 H12-114	(受託番号) FERM BP- 7982
2. 科学的性質及び分類学上の位置	
1 欄の微生物には、次の事項を記載した文書が添付されていた。 ■ 科学的性質 ■ 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、平成 14 年 3 月 27 日 (原寄託日) に受領した 1 欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、 年 月 日 (原寄託日) に 1 欄の微生物を受領した。 そして、 年 月 日 に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。	
5. 国際寄託当局	
独立行政法人産業技術総合研究所 特許生物寄託センター	
International Patent Organisation 名称: National Institute of Advanced Industrial Science and Technology	
センター長 小松 泰彦 Dr. Yasuhiko Komatsu	
あて名: 日本国茨城県つくば市東 1 丁目 1 番地 1 中央第 6 (郵便番号 305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan	
平成 14 年 (2002) 3 月 27 日	

INTERNATIONAL FORM
(Translation)

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION
OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES
OF PATENT PROCEDURES**

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by
the INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

To: (Depositor)

Name: Naoki KATSURA, Director,

National Institute of Agrobiological Sciences

Address: 1-2, Kan'non-dai 2-Chome, Tsukuba-shi, Ibaraki-ken

1. Identification of Microorganism	
Identification reference by depositor High amylose wheat H12-114	Accession No. FERM BP-7982
2. Scientific Description and taxonomic description:	
The deposit was accompanied by the following: (x) a scientific description (x) a taxonomic description.	
3. Receipt and Acceptance:	
The deposit identified in item 1, received on <u>the 27th of March, 2002</u> (date of the original deposit), by this International Depository Authority, has been accepted.	
4. Receipt of Request for Conversion	
The deposit identified in item 1, received on <u>the of , </u> (date of the original deposit), by this International Depository Authority, has been accepted.	
Further, said deposit received on <u>the of , </u> , by this International Depository Authority, has been accepted for the conversion from an original deposit to a deposit defined under the Budapest Treaty.	
5. International Depository Authority	
Name: International Patent Organism Depository National Institute of Advanced Industrial Science and Technology	
Dr. Yasuhiko, KOMATSU, Director, (Seal)	
Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan	
Date: the 27th of March, 2002	